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March 10, 2020

VIA ECF

Hon. Mary Kay Vyskocil
United States District Court
Southern District of New York
500 Pearl Street, Room 2230
New York, NY 10007

USDC SDNY
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**Re: *Delacruz v. Cellco Partnership d/b/a Verizon*,
Civil Action No.: 1:19-cv-11022-MKV (S.D.N.Y.)**

Dear Judge Vyskocil:

This Firm represents Defendant Cellco Partnership d/b/a Verizon (“Verizon” or “Defendant”) in the above-referenced matter. We have conferred with Plaintiff’s counsel and write, with Plaintiff’s concurrence, to jointly request a stay of this action up to and including August 10, 2020.

By way of background, on February 3, 2020 the parties submitted a joint application to extend the responsive pleading deadline by thirty (30) days, as well as for entry of the parties’ proposed briefing schedule in connection with Defendant’s forthcoming motion to dismiss, which incorporated Plaintiff’s anticipated amendment of the Complaint. (ECF No. 10.) On February 4, 2020, Judge McMahon granted this application and, accordingly, the deadline to file a motion to dismiss is tomorrow, March 11, 2020. (ECF No. 11.) On February 5, 2020, this action was reassigned to Your Honor, whose Individual Rules of Practice in Civil Cases issued on February 27, 2020 (the “Rules”). The parties understand that, as per the Rules, any motion to dismiss requires a pre-motion conference. Therefore, Defendant anticipates filing a pre-motion conference letter as per Section 4(a)(i) of the Rules by the March 11, 2020 deadline, and Plaintiff anticipates filing an Amended Complaint in response on or before March 25, 2020 as per the Court’s Order (ECF No. 11), while otherwise complying with the Court’s Rules for filing a response to the pre-motion conference letter within three (3) business days.

The parties write to respectfully request that this action be stayed to allow for the resolution of motions to dismiss in similar matters arising out of gift cards that do not include Braille, which are currently pending before a number of judges in this District and the Eastern District of New York. The stay would allow the parties to have the benefit of judicial analysis in these matters, which will inform their assessment of the pending case. It will also conserve



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resources of both the parties and the Court. Similar stays were recently granted on the same grounds, for example, by Judge Abrams in *Delacruz v. Five Below, Inc.*, Case No. 1:19-cv-10294-RA (S.D.N.Y.) (ECF No. 16), *Matzura v. New Balance Athletics, Inc.*, Case No. 1:19-cv-11344-RA (S.D.N.Y.) (ECF No. 18), and *Mendez v. The Men's Wearhouse*, Case No. 1:19-cv-11765-RA (S.D.N.Y.) (ECF No. 15), by Judge Caproni in *Calcano v. Drybar Holdings LLC*, Case No. 1:19-cv-11389-VEC (S.D.N.Y.) (ECF No. 10), by Judge Woods in *Calcano v. Domino's Pizza, Inc.*, Case No. 1:19-cv-09823-GHW (S.D.N.Y.) (ECF No. 24) and *Delacruz v. Jamba Juice*, Case No. 1:19-cv-10321-GHW (S.D.N.Y.) (ECF No. 20), by Judge Failla in *Calcano v. Guess, Inc.*, Case No. 1:19-cv-10441-KPF (S.D.N.Y.) (ECF No. 18), by Judge Ramos in *Dominguez v. Marshalls of MA, Inc.*, Case No. 1:19-cv-10626 (S.D.N.Y.) (ECF No. 20), and by Judge Daniels in *Delacruz v. Converse Inc.*, Case No. 1:19-cv-10293-GBD (S.D.N.Y.) (ECF No. 20.) The orders are enclosed for the Court's convenience.

We thank the Court for its time and attention to this matter, and for its consideration of this application.

Respectfully submitted,

SEYFARTH SHAW LLP

/s/ John W. Egan

John W. Egan

Enclosures

cc: All counsel of record (via ECF)

DENIED. The parties are instructed to proceed on the following schedule. Specifically, the Defendant should submit a pre-motion letter on on March 11, 2020. The Plaintiff may respond with an Amended Complaint on or before March 25, 2020. This will be Plaintiff's last chance to amend the complaint in response to arguments in the Defendant's letter. The Defendant must then respond to the Amended Complaint on or before April 10, 2020. Any motion to dismiss the Amended Complaint should be briefed according to the schedule set out in Local Rule 6.1(b). Any request for an extension must be received at least 48 hours in advance of the deadline.

Date: 3/10/2020
New York, New York

Mary Kay Vyskocil
United States District Judge